



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6535-99

28 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 11 August 1943 at age 23 and served in an excellent manner until you were honorably discharged on 19 July 1945. Your discharge was caused by a finding of a Board of Medical Survey that you were unfit for service due to a diagnosis of psychoneurosis.

The record shows that you passed the advancement examination for MM2c in January 1945 but were not advanced due to lack of vacancies. On 8 March 1945 you were hospitalized and remained there until your discharge on 19 July 1945.

In your application you are requesting advancement to MM2c and removal of the psychoneurosis designation from your service record. You contend that you were seriously injured during a fire and explosion at Pearl Harbor, Hawaii in May 1944 and, in effect, that those injuries were the real reason for your discharge.

Concerning your request to be advanced to MM2c the Board noted that the documentation of record showed that you were not

advanced because of a lack of vacancies and that there were others in your same situation. It appears that you were discharged before a vacancy became available. Since there is no evidence that you were treated differently than others in your situation, the Board concluded that there was no basis to advance you to MM2c.

The Board has received your file from the Department of Veterans Affairs. A review of that file revealed that you were granted a disability rating for psychoneurosis beginning in 1946 and continuing to the present. The Board noted that the psychiatric terminology has changed over the years. The fact that you have been rated since 1946 suggested to the Board that you were aware of that diagnosis since that date. There is no evidence in the record and you have submitted none to support your contention that the diagnosis was in error. However, even if you could establish that the diagnosis was in error, it might not be in your best interest to do so, since it might result in a reduction in your disability rating. The Board concluded that a change in the diagnosis made by the Board of Medical Survey in 1945 was not warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director